

A 2013-7

Before the
Postal Regulatory Commission
Washington, DC 20268

RECEIVED

2013 AUG 14 A 1:52

POSTAL REGULATORY
COMMISSION
OFFICE OF THE SECRETARY

In the Matter of: Fernandina Beach Downtown Station, FL 32035

Docket No. 1363326 – 32034

SUSPENSION PENDING REVIEW REQUESTED- Suspension of the Final Determination of the Postal Service to close the Fernandina Beach Downtown Station is requested immediately due to insufficient closing notice time being provided to patrons served by this post office. See 4.a. below.

Petition for Review

Appeal of the Postal Service's Final Determination to close the Fernandina Beach Downtown Station post office. The Final Determination was posted July 9, 2013.

Location of Post Office to be closed:

401 Centre Street

Fernandina Beach, FL 32034

Petitioner:

E. Clinch Kavanaugh, III, P.A.

102 North Sixth Street

Fernandina Beach, FL 32034

Participant Statement:

1. Petitioner is appealing the Postal Service's Final Determination to close the Fernandina Beach Downtown Station post office. The Final Determination was posted on July 9, 2013.
2. In accordance with the law, 39 United States Constitution, Section 404(d)(5), the Petitioner requests the Postal Regulatory Commission to review the Postal Service's Final Determination on the basis of the Administrative Record before the Postal Service in the making of the Final Determination.
3. Petitioner is served by the post office that the Postal Service has decided to close.

4. Facts in support of this Appeal:

- a. The Final Determination is "without observance of procedure required by law" (39 U.S.C., Section 404(d)(5)(b)). Under 39 U.S.C., Section 404(d)(4), "The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office". The Final Determination was posted in the post office on July 9, 2013. The closing date of the postal office has been communicated to patrons of the post office as August 9, 2013. This is only 30 days, not the required 60 days.
 - b. The Final Determination is "without observance of procedure required by law" (39 U.S.C., Section 404(d)(5)(B)) as it violates 39 U.S.C., Section 101(b), which requires "that the Postal Service shall provide a MAXIMUM degree of effective and regular postal services to rural areas, communities, and SMALL TOWNS where post offices are not self-sustaining" (emphasis supplied). The post office on Centre Street in the small town of Fernandina Beach is a vital component of the economy. The closing the post office cannot "provide a maximum degree of effective and regular postal services" to this small town. This small town post office not only serves the downtown business, but also local residents, many who are elderly, who can walk to the facility. The post office also attracts tourists, which the local economy is completely dependent on for survival, to this historic town as the building was built in 1912 with Italian Revival architecture.
 - c. The Final Determination is "unsupported by substantial evidence on the record" (39 U.S.C., Section 404(d)(5)(C). Facts in dispute:
 1. The Final Determination projects cost savings for the Postal Service of \$315,000 over the next 10 years. There is no logical basis for this conclusion. The post office to be closed is currently profitable. How can 10 year cost savings be projected for closing a post office that is providing net profit to the Postal Service? The reverse could be concluded, that by closing the post office there will be a net loss to the Postal Service over the next 10 years.
 - d. The post office should consider doing a joint venture with a private contractor keeping post office service downtown and the remainder of the building being converted into adaptive reuse.
5. Petitioner requests and Immediate Suspension Pending Review due to the short time before the closing on August 9, 2013. This suspension would also provide adequate time to review other facts in dispute, including those listed above.

Thank you for considering this Petition for Review and Appeal.

Respectfully,

E. Clinch Kavanaugh, III, P.A.

Patron of Fernandina Beach Downtown Station